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Name Robledo, Paul, A # 250767
Address ASPC-Lewis-Burchey Unit - 1-A-7, P.O. Box 3200
City, State, Zip Buckeye, AZ 85326

Superior COURT Maricopa County, Arizona

STATE OF ARIZONA, plaintiff -vs- <u>Paul Anthony Robledo</u> Defendant (FIRST, MI, LAST)	[CASE/COMPLAINT NO.] <u>CR 2009-110121-0015E</u>	NOTICE OF POST-CONVICTION RELIEF
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NOTICE OF POST-CONVICTION RELIEF

Instructions: When the notice is complete, file it with the clerk of the superior court of the county in which the conviction occurred.

A person unable to pay costs of this proceeding and to obtain the services of a lawyer without substantial personal or family hardship should indicate this by requesting counsel in Question 8 of this notice and execute the affidavit of indigency on page 3. In the event an attorney is not appointed, a Request for Preparation of Post-Conviction Relief Record form must be filed by the defendant if some portion of the record is needed and has not previously been obtained.

No issue which has already been raised and decided on appeal or in a previous petition for post-conviction relief may be used as a basis for a successive petition for post-conviction relief.

1. Defendant's Name: Paul Anthony Robledo
Defendant's prison number (if any): 250767

2. Defendant's address: ASPC-Lewis-Burchey Unit - 1-A-7, P.O. Box
3200, Buckeye, AZ, 85326

3. (A) Defendant was convicted of the following crimes: Attempted First
Degree Murder

(B) Defendant was sentenced on February 8, 2010, to a term of
21 years at 85%, commencing on February 7, 2009, following a:

[] Trial by Jury

1 ☐ Trial to Judge without a Jury
2 ☒ Plea of Guilty
3 ☐ Plea of No Contest
4 ☐ Probation Revocation Admission
5 ☐ Probation Revocation Violation Hearing in the Superior Court in
6 _____ County with judicial officer _____ presiding.
7 (C) The file number of the case was CR- 2009-110121-0015E.
8 4. Defendant has taken the following actions to secure relief from his convictions or sentences:
9 (A) Direct Appeal: ☐ Yes ☒ No
10 (B) Previous Rule 32 Proceedings: ☒ Yes ☐ No
11 5. Defendant was represented by the following lawyers at: (provide name of counsel and
12 counsel's address, if known)
13 Trial or change of plea: Beth Houck, Maricopa County Public Defender,
14 620 W. Jackson, Suite #4015, Phoenix, AZ, 85003
15 Sentencing Hearing: same as above
16 _____
17 Appeal (if any): none pro per
18 _____
19 Previous Rule 32 proceedings (if any): Kerri L. Chamberlin, Legal Advocate,
20 3800 N. Central, Suite 1500, Phoenix, AZ, 85012 and Pro Per.
21 6. Is the defendant raising a claim of ineffective assistance of counsel? ☒ Yes ☐ No
22 7. Defendant is presently represented by a lawyer: ☐ Yes ☒ No
23 If yes, provide name and address: _____
24 _____
25 8. If you are not currently represented by a lawyer, do you want the court to appoint a lawyer
26 for this proceeding?
27 ☒ Yes
28 ☐ No
29 9. Respond to this section only if this is an untimely notice or the defendant has filed a
30 previous Rule 32 petition in this case.

1 (A) Is a claim pursuant to Rule 32.1(d), (e), (f), (g), or (h) being raised in this petition?
2 ☒ Yes [] No

3 (B) If yes, state the specific exception:

4 [] The defendant is being held in custody after the sentence imposed has expired.

5 [] Newly discovered material facts exist which probably would have changed the verdict or sentence.

6 ☒ The defendant's failure to file a timely notice of post-conviction relief or notice of appeal was without fault on the defendant's part.

7 ☒ There has been a significant change in the law that would probably overturn the conviction or sentence.

8 [] Facts exist which establish by clear and convincing evidence that the defendant is actually innocent.

9 (C) State the facts that support the claim and the reasons for not raising the claim in the previous petition or in a timely manner.

10 See attachment A and exhibits

11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____

19 I am requesting post-conviction relief. I understand that I must include in my petition every ground for relief which is known and which has not been raised and decided previously. I also understand that failure to raise any known ground for relief in my petition will prohibit me from raising it at any future date.

21 _____
22 Date July 3, 2013

P. A. Robles
Defendant

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AFFIDAVIT OF INDIGENCY

I have requested the appointment of a lawyer to represent me in post conviction proceedings. I swear under oath and penalty of perjury that I am indigent and because of my poverty I am financially unable to pay for the cost of a lawyer to represent me without incurring substantial hardship to myself or my family.

7-3-2013
Date

PADobledw
Defendant

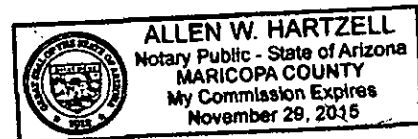
State of Arizona)
County of Maricopa) ss.

Subscribed and sworn to or affirmed before me on:
7-3-2013
Date

11-29-2015
My Commission Expires

[Signature]
Notary Public

Form 24(b). Notice of Post-conviction Relief (effective 1/1/08)



ATTACHMENT A

(1) On March 21, 2012, Lafler v. Cooper, 566 U.S. ____ (2012) and Missouri v. Frye, 566 U.S. ____ (2012) were decided that state: if a Defendant receives an offer for a specific sentence and/or charges and his counsel advises him/her not to take that offer which results in him/her receiving a more severe sentence at trial or by a plea of guilty, then he/she has received ineffective assistance of counsel and is entitled to an evidentiary hearing and/or a resentencing to the least severe sentence offered by the prosecution; i.e.: the Judge and counsel or Defendant must work out the relief or remedy to this mistake. It is a mistake but no one is at fault since the law changed after the original proceedings, had the Judge, the Prosecutor, and my counsel known about this law, they would have ensured that it was followed.

I was offered 12 years around October/November of 2009 that my counsel, Beth Houck, advised me not to take which can be proven hopefully by Beth Houck's testimony or records/notes, the Prosecutor's testimony or records/notes and definitely by testimony from my mother, Deb Armstrong.

On January 4, 2010, at the settlement conference in Phoenix, AZ, I was offered 15 years and was advised

not to take that offer as well which is proven in the transcripts for this proceeding (the Settlement Conference on January 4, 2010 on page 10, lines 13-17). Therefore, I believe that I should be resentenced to 12 years at 85% minus all time served in the Arizona Department of Corrections (AZDOC) and in Maricopa County Jail because it would be safe to surmise that I did indeed receive an offer for 12 years at 85%; I am a first-time offender; and my time in AZDOC has been extra harsh due to threats of violence against me and AZDOC's refusal to grant me Protective Segregation which resulted in me being punished for no offense against AZDOC policy in detention and maximum custody/isolation units (see District Court case #CV-12-1441-PHX-JAT-MEA).

- (2) Beth Houck advised me that I could not appeal and could only file a Rule 32 PCR, therefore I was unaware that I had to file a Petition for Review before filing a Federal Habeas Corpus. I did not find out about a Petition for Review or file one until I was well into researching a Federal Habeas Corpus which was past the statute of limitations to file one. This has caused my Federal Habeas Corpus #CV-12-1281-PHX-JAT-MEA to be barred from me presenting the issues which is injury.

- (3) Even if I knew about having to file a Petition for Review, I would not have been able to file one due to the obstruction of state officials; i.e. - prison staff at ASPC - Tucson Rincon Unit.

I was threatened with violence against me at ASPC - Tucson - Cimarron Unit in August 2010 which resulted in my request for Protective Segregation, that request's denial; and a transfer back to General Population at ASPC - Lewis - Morey Unit. I had no choice except to "refuse to house" on Morey Unit because I knew that I would be threatened and/or attacked if I went to my housing assignment and assumed AZDOC would not approve me for Protective Segregation (and they didn't for almost 2 years). I was eventually transferred to ASPC - Rincon Unit - Tucson where I refused to house again because I still feared for my life which resulted in me being placed in the transitory unit of Rincon Unit (see Exhibit A, Page 1).

In this transitory unit, I was not allowed access to my property (see Exhibit D, page 1, line/question and answer to #4) which contained my legal documents and was not allowed access to the prison law library. Therefore, prison staff at ASPC - Tucson -

Rincon Unit obstructed my right to appeal and I was not in this transitory unit because I was incorrigible, I was there to protect myself against the imminent danger I face in General Population.

(4) Beth Huck unlawfully induced my plea of guilty by promising me that I would receive the presumptive of 10 1/2 years at 85% if I pled guilty straight to the Court.

(5) Beth Huck did not advise me to use Apprendi or Blakely before I waived all my constitutional rights, therefore my plea was made without the full knowledge of my options; i.e. - evoking Apprendi and/or Blakely would have resulted in the Judge imposing the presumptive of 10 1/2 years at 85% because I was a first-time offender not seeking a jury decision of my guilt or the aggravated circumstances.

(6) Beth Huck unlawfully induced my agreement that my crime was committed with premeditation despite my repeated assertion that a voice (that I now know was another personality) committed the crime which does not make me innocent but makes the crime non-premeditated. Proof of this exists in the transcript of the Settlement Conference of January 4, 2010 on page 19, lines 8 to 10 where it shows her sudden agreement of premeditation and my agreement because I assumed I had to.

Exhibit A

Proves that I was housed in C39 from 2/4/2011 to 3-6-2011
which goes to prove the extraordinary circumstances that
prevented me from filing a Petition for Review in a timely
manner

Exhibit A

*Possible evidence proving I was in transitory and
Would file the Petition For Review on time.

ARIZONA DEPARTMENT OF CORRECTIONS

Inmate Letter Response

For distribution: Copy of corresponding
Inmate Letter must be attached to this
response.

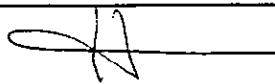
Inmate Name (Last, First M.I.) Robledo	ADC Number 250767
Institution/Unit ASPC-FLORENCE-KASSON UNIT	

From COIII S. HOLBROOK	Location KASSON UNIT PROGRAMS
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In response to your inmate letter dated 11/13/12 which was received on 11/13/2012 regarding : Your housing assignments at Tucson Rincon from 4-4-11 to 3-6-11

Per AIMS your housing assignments are listed below for the dates of 2-2-2011 to present.
C22 is the Tucson Transitory Unit.

02/02/11 C01 HU-4B11B
02/04/11 C34 HU-7B04B ← *
03/07/11 C17 DETN906B
04/04/11 C22 HU-8A13B
04/06/11 C22 HU-8A15B
04/18/11 A01 CB-7G019
04/18/11 A01 CB-7G019
11/16/11 A01 CB-7G019
12/28/11 L17 CB1D27L
12/29/11 Y03 DK5 B20U
12/30/11 Y04 DK3 B05L
02/09/12 Y04 DK3 A03L
02/24/12 C29 HU-8B12B
02/28/12 C22 HU-8A10B
03/02/12 C11 CB1A11B
03/02/12 C13 CB2C23B
03/22/12 C13 CB2C01B
03/30/12 C01 HU-1C08T
04/03/12 C04 DU-B117B
05/18/12 A01 CB-7C013
05/21/12 A11 WG3B3B02
05/21/12 A11 WG3B3B02
06/25/12 A11 WG3B3B02
07/24/12 A01 CB-5I010
07/26/12 A11 WG3B3B14
09/14/12 A01 CB-5I017
10/15/12 A11 WG3B3B06
10/15/12 A11 WG3B3B06

Staff Signature 	Date 11/16/2012
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Distribution: Original - Master Record File
Copy - Inmate

916-2
5/14/12

Exhibit A

Received on 11-16-2012

Exhibit B

Proves that C34 is also the Rinton Behavioral Health Unit of
AZH-Tucson which goes to prove I was in transitory and could
not file a timely Petition for Review.

Exhibit B

ARIZONA DEPARTMENT OF CORRECTIONS

3806

Requests are limited to one page and one issue. NO ATTACHMENTS PERMITTED. Please print all information.

Inmate Letter

Inmate Name (Last, First M.I.) Robledo, Paul, A	ADC Number 250767	Institution/Unit CBB-3-B-6	Date 11-16-2012
To: CS III Holbrook	Location Kasson Unit Programs		
State briefly but completely the problem on which you desire assistance. Provide as many details as possible.			
What is 234? it is: Tucson - Rincon Behavior Health			
While I was housed in C34, HU-7B04B, I was in transitory and not allowed access to my property but AZMS does not reflect that and I need something in writing that says I was there as a transitory. House 7 of Rincon is part transitory and part mental health program. I did not qualify for the mental health program so I had to be transitory.			
Who can I write to in order to get this statement I need? preferably someone other than Willy Bartucchia since she is a defendant in a civil rights lawsuit. This statement will be used as evidence in my Habeas Corpus petition I filed for a reduction of my sentence. Please help me in any way you can.			
Thank you			
RECEIVED NOV 19			
Inmate Signature P. Robledo	Date 11-16-2012		

Have You Discussed This With Institution Staff? ☐ Yes ☐ No

If yes, give the staff member's name:

Distribution: White - Master Record File Canary - Inmate

Exhibit B

Received on
11-21-2012916-1
4/15/04

Exhibit C

Proves that I was housed in the transitory section of House 7/C34 because I was not eligible for the Behavioral Health Program in House 7/C34 which goes to prove the extraordinary circumstances that prevented me from filing a timely Petition for Review.

Exhibit C

ARIZONA DEPARTMENT OF CORRECTIONS

Health Needs Request (HNR)

Date: _____
Time: _____
Initials: _____

Inmate Name/Nombre (Last, First M.I.) (Apellido, Nombre, Inicial)

Robledo Paul A

ADC Number/Número de ADC

250767

Date/Fecha

3-1-11

Cell/Bed Number/Celda/Número de

Cama 7-B-4

Unit/Unidad

Rincon

P.O. Box/Apartado Postal

24403

Institution/Facility/Instalación: ASPC

Tucson

You are required to be truthful. Failure to be cooperative and any abuse of the health care system or its staff could cause a delay in delivery of care to you and others, and may result in disciplinary action (Use this form to describe only one problem or issue at one time). [Se le exige diga la verdad. La falta de cooperación y cualquier abuso del sistema del cuidado de la salud o del personal podría retrasar la asistencia de este cuidado para usted y para otros y puede dar lugar a una acción disciplinaria (Use este formulario para describir un problema a la vez)]

AREA OF INTEREST (Check only one block below) / AREA DE INTERES (MARQUE UN ESPACIO SOLAMENTE)

☐ Pharmacy/Farmacia ☒ Mental Health/Salud Mental ☐ Eyes/Ojos ☐ Other (specify)/Otros (especifique)☐ Medical/Médica ☐ Dental ☐ FHA

PLEASE PRINT! Describe your medical/dental treatment issue need in the space below. Be clear and specific. NO ADDED PAGES. [¡POR FAVOR, ESCRIBA EN IMPRENTA! Describa su tratamiento o necesidad médica/débil en el espacio de abajo. Describa claramente y sea específico. ¡NO USE MAS HOJAS!]

To: L. Unruh - Can you help me get the two referral I need to be placed in the House 7 program? Maybe you can refer me or find the providers that will.

Thank You

I understand that, per ARS 31-201.01, I will be charged a \$3.00 Health Service fee (excluding exemptions granted by statute) for the visit that I am herein requesting. I further understand that by paying this fee I do not have the right to dictate treatment or who provides treatment. [Entiendo que de acuerdo con ARS 31-201.01 se me cobrará una cuota por el servicio médico de \$3.00 por la cita que aquí estoy pidiendo (excluyendo las exenciones otorgadas por la ley). Además entiendo que al pagar esta cuota no tengo el derecho a imponer el tratamiento o quien lo proporcione.]

Inmate's Signature/Firma del prisionero

Paul Robledo

REMOVE THE GOLDENROD COPY AND PLACE THE REMAINDER IN THE HEALTH NEEDS REQUEST DROP BOX [SEPARA LA COPIA DE COLOR AMARILLO OSCURO Y DEJE LAS DEMAS EN EL BUZON PETICION DE NECESIDADES MEDICAS]

REFERRAL BY MEDICAL STAFF/REFERENCIA MEDICA ☐ Medical/Médica ☐ Dental ☐ Pharmacy/Farmacia ☐ FHA☐ Mental Health/Salud Mental ☐ Eyes/Ojos ☐ Other/Otros (specify) (especifique)

Comments/Comentarios

Staff Signature Stamp/Firma del empleado

Date/Fecha

Time/Hora

PLAN OF ACTION/PLAN DE ACCION

Staff Signature Stamp/Firma del empleado

Date/Fecha

Time/Hora

Distribution: White/Blanca - Health Unit/Unidad de Salud, Canary, Pink & Goldenrod - Inmate/Amarillo Canario, Rosa y Amarillo Oscuro - Prisonero

This document is a translation from original text written in English. This translation is unofficial and is not binding on this state or a political subdivision of this state. [Este documento es una traducción de texto original escrito en inglés. Esta traducción no es oficial y no compromete a este estado ni una subdivisión política de este estado.]

Exhibit C

Exhibit D

Proves that while I was in the transitory section of House 7/
C34 I was not allowed access to my property that contained
my legal paperwork and was not allowed to order commis-
sary (mailing and writing supplies) which goes to prove the
extraordinary circumstances that prevented me from
filing a timely Petition for Review.

Exhibit D

ARIZONA DEPARTMENT OF CORRECTIONS

Inmate Letter Response

Inmate Name (Last, First, MI) ROBLEDO, PAUL A	ADC Number 250767
Complex: A11 ASPC-F CB 6 - KASSON	

From: CO IV P. Wiggins	Location: Central Office Classification
---------------------------	--

LOG NUMBER: 12-1274

This is the response to your Inmate Letter, log numbered as above, dated 10/15/2012;

On October 24, 2012, Central Office Classification received three inmate letters. One was addressed to Keith Smith, one to Stacey Crabtree, and one to Central Office Classification. Since all the letters refer to the same issues, I will respond to you in this one letter.

Question 1: You asked if you were housed in house 7 of Rincon Unit in ASPC-Tucson during the months of January and February of 2011.

Answer 1: No you were not. You were assigned to house 7 from February 4, 2011 to March 6, 2011.

Question 2: You asked if house 7 of Rincon Unit in ASPC-Tucson is a transitory unit.

Answer 2: No, it is not.

Question 3: You asked if in a transitory unit, are inmates allowed access to their property?

Answer 3: No they are not.

Question 4: You asked if in a transitory unit, are inmates allowed to order from the commissary.

Answer 4: No they are not.

Any other issues you may have in reference to your assignment may be addressed through your assigned CO III or CO IV.

Staff Signature <i>CO IV P. Wiggins</i>	Date: 10/26/2012
--	---------------------

Exhibit D

Exhibit E

Proves that CIVIL Wiggins incorrectly answered Question #2 in Exhibit D because ~~has~~ was "not familiar with the housing assignments at ASPC-Tucson" which goes to prove I was in the transitory section of House 7/C34 which prevented me from filling a timely Petition for Review.

ARIZONA DEPARTMENT OF CORRECTIONS

Inmate Letter Response

Inmate Name (Last, First, mi) ROBLEDO, PAUL A	ADC Number 250767
Complex: A11 ASPC-F CB 6 - KASSON	

From: CO IV P. Wiggin	Location: Central Office Classification
--------------------------	--

LOG NUMBER: 12-1383

This is the response to your Inmate Letter, log numbered as above, dated 11/16/2012;

You need to address your issues to the Unit Deputy Warden of the Rincon Unit as I am not familiar with the housing assignments at ASPC-Tucson. Central Office Classification does not get involved with specific cell assignments.

Staff Signature <i>CO IV P. Wiggin</i>	Date: 12/14/2012
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Exhibit E